

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>STEWART SMITH,</b>	:	<b>CIVIL NO. 1:19-CV-362</b>
	:	
<b>Petitioner</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>SUPERINTENDENT LAUREL</b>	:	
<b>HARRY, <i>et al.</i>,</b>	:	
	:	
<b>Respondents</b>	:	

**ORDER**

AND NOW, this 29th day of April, 2019, upon consideration of the petition for writ of habeas corpus (Doc. 1), and the request for stay and abeyance (Doc. 7), wherein petitioner requests that his federal habeas petition be held in abeyance while he exhausts his state court claims, and upon further consideration of the docket entries found at page 28 of the Court of Common Pleas of Dauphin County electronic docket sheet number CP-22-CR-3032-2013, <https://ujportal.pacourts.us/>, and it being clear that petitioner is presently pursuing claims in a Post-Conviction Relief Act (“PCRA”) Petition, 42 Pa. Cons. Stat. §§ 9541-46, that are inextricably intertwined with certain claims raised in the instant petition for writ of habeas corpus, and it appearing that it is appropriate to stay this matter in accordance with the stay and abeyance rule announced in Crews v. Horn, 360 F.3d 146, 151 (3d Cir. 2004) (finding that “[s]taying a habeas petition pending exhaustion of state

remedies is a permissible and effective way to avoid barring from federal court a petitioner who timely files a mixed petition”), it is hereby ORDERED that:

1. The request for stay and abeyance (Doc. 7) is GRANTED.
2. This action is STAYED pending further order of court.
3. Within sixty (60) days of the date on which his state post-conviction remedies conclude, petitioner shall FILE in federal court a notice apprising the court of the completion date of state court proceedings and whether he intends on pursuing his federal habeas petition.
4. Failure to comply with the time requirements set forth above will result in the stay being vacated *nunc pro tunc*. Crews, 360 F.3d at 154, citing Zarvela v. Artuz, 254 F.3d 374, 380 (2d Cir. 2001).
5. The Clerk of Court is directed to CLOSE this action for statistical purposes only.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania